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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/087,816	03/05/2002	Masamichi Akashi	03500.016251.	3000
5514 7590 05/19/2009 FITZPATRICK CELLA HARPER & SCINTO 30 ROCKEFELLER PLAZA NEW YORK, NY 10112				
EXAMINER HUNTSINGER, PETER K				
ART UNIT 2625		PAPER NUMBER		
MAIL DATE 05/19/2009		DELIVERY MODE PAPER		

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

### Office Action Summary

**Application No.**

10/087,816

**Applicant(s)**

AKASHI, MASAMICHI

**Examiner**

Peter K. Huntsinger

**Art Unit**

2625

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 17 February 2009.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 8, 18, 22, 38, 39, 41, 42, 44 and 45 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 8, 18, 22, 38, 39, 41, 42, 44 and 45 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_

**DETAILED ACTION**

***Response to Arguments***

1. Applicant's arguments with respect to claims 8, 18, 22, 38, 39, 41, 42, 44 and 45 have been considered but are moot in view of the new ground(s) of rejection.

***Claim Rejections - 35 USC § 103***

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 8, 18, 22, 38, 39, 41, 42, 44, and 45 are rejected under 35 U.S.C. 103(a) as being unpatentable over Fan Patent No. 6,219,706 in view of Yonenaga Patent No. 5,646,872 and Mochizuki Patent No. 7,113,298.

Referring to **claim 8**, Fan '706 discloses a data processing apparatus (col. 5, lines 5-8, firewall may be implemented on a personal computer) which communicates with a computer via a network, said data processing apparatus, comprising:

a storage unit that stores therein a connection limitation table including connection limitation information (col. 5, lines 16-21, Access Control List) in which discrimination information of a computer and a port number are associated with each other (col. 8, lines 49-59, specifies the address of communicating hosts and the port numbers they communicate with);

a reception unit that receives a request transmitted from a first computer via the network, wherein the request includes a kind of data process as a requested data process to be executed (col. 3, lines 9-16, receiving a packet and identifying an application associated with the packet);

an allocating unit that allocates, to the first computer, a port corresponding to a process and not allocated to the computers other than the first computer, according to the reception of the request by said reception unit (col. 7-8, lines 61-67, 1-10, firewall determines which additional channels should be dynamically opened) (col. 11, lines 36-53, prepares a new channel when a side/data channel is about to be opened) (col. 2, lines 1-3, dynamic assigning of port numbers are explained as using a different port number for each session);

a registration unit that correlates discrimination information of the first computer (IP source address) and the port number (destination port) of the port allocated by said allocating unit to form connection limitation information (col. 8, lines 32-59, IP source address and destination port compared against an ACL), and registers the formed connection limitation information into the connection limitation table stored in said storage unit (col. 11, lines 28-35, adding new ACL items to ensure return traffic);

a data receiving unit that receives data addressed to the port, allocated by said allocating unit, from an external apparatus (col. 7, lines 41-51, allow packet transmission); and

a control unit that controls, based on the formed connection limitation information registered by said registration unit, to execute the process based on the data received

by said data receiving unit in a case where the external apparatus is the first computer (col. 10, lines 1-9, processes the packet) (col. 8, lines 32-59, ACL specifies which TCP destination ports are allowed for an IP source address), and not to execute the process based on the data received by said data receiving unit in a case where the external apparatus is an apparatus other than the first computer (step 408 of Fig. 7, col. 9, lines 32-39, packet is dropped) (col. 8, lines 32-59, ACL specifies which TCP destination ports are allowed for an IP source address).

Fan '706 does not disclose expressly that the data processing apparatus is a printing apparatus.

Yonenaga '872 discloses a data processing apparatus is a printing apparatus (col. 4-5, lines 60-67, 1-17, information processing apparatus includes print subunit 24).

At the time of the invention, it would have obvious to a person of ordinary skill in the art to incorporate a printer into a computer. The motivation for doing so would have been to allow portability of a printing device.

Fan '706 does not disclose expressly allocating a port corresponding to a printing process in response to a printing request, and a port number notifying unit.

Mochizuki '298 discloses receiving a printing request (col. 6, lines 7-11, host sends a request for print to the printer);

a port corresponding to a printing process (col. 6, lines 38-57, printer sends a response packet which includes the port number for communication between the host and the printer); and

a port number notifying unit that notifies a first computer of a port number, the port number allocated by said allocating unit (col. 6, lines 38-57, printer sends a response packet which includes the port number for communication between the host and the printer).

At the time of the invention, it would have obvious to a person of ordinary skill in the art to notifying a computer of a port number. The motivation for doing so would have been to inform the computer sending information a port number in which to utilize for communication. Therefore, it would have been obvious to combine Yonenaga '872 and Mochizuki '298 with Fan '706 to obtain the invention as specified in claim 8.

Referring to **claim 18**, see the rejection of claim 8 above.

Referring to **claim 22**, see the rejection of claim 8 above.

Referring to **claim 38**, Fan '706 discloses a discriminating unit that discriminates whether or not to permit communication with the first computer (col. 8, lines 32-59, IP source address and destination port compared against an ACL),

allocating by said the allocating unit in a case where said discriminating unit discriminates to permit the communication with the first computer (col. 7-8, lines 61-67, 1-10, firewall determines which additional channels should be dynamically opened) (col. 8, lines 10-24, the policy may protect the network from all uninvited sessions initiated externally).

Mochizuki '298 discloses a port number notifying unit that notifies a first computer of a port number (col. 6, lines 38-57, printer sends a response packet which includes the port number for communication between the host and the printer).

Referring to **claim 39**, Fan '706 discloses wherein the discrimination information of the computer included in the connection limitation information stored in the connection limitation table is an IP address of the first apparatus (col. 8, lines 32-59, IP source address and IP destination address).

Referring to **claim 41**, see the rejection of claim 38 above.

Referring to **claim 42**, see the rejection of claim 39 above.

Referring to **claim 44**, see the rejection of claim 38 above.

Referring to **claim 45**, see the rejection of claim 39 above.

### ***Conclusion***

4. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP

§ 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Peter K. Huntsinger whose telephone number is (571)272-7435. The examiner can normally be reached on 9-5.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David Moore can be reached on (571)-272-7437. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Peter K. Huntsinger/  
Examiner, Art Unit 2625

/David K Moore/  
Supervisory Patent Examiner, Art Unit 2625